

The COURT COMPASS

NEWSLETTER OF THE MASSACHUSETTS JUDICIAL BRANCH

Boston Municipal Court Embraces Service To Broader Jurisdiction

The Boston Municipal Court Department has experienced several significant changes in the past year. Upon the retirement of Chief Justice William J. Tierney on October 31 of last year, the Hon. Charles R. Johnson was appointed as Acting Chief Justice. In March of this year Judge Johnson was appointed to a five-year term as Chief Justice of the Boston Municipal Court by then Chief Justice for Administration and Management Barbara A. Dortch-Okara.

More recently the Legislature, as part of the General Appropriation Act for Fiscal Year 2004, reorganized the Boston Municipal Court and the District Court by transferring the District Courts in Brighton, Charlestown, Dorchester, East Boston, Roxbury, South Boston, and West Roxbury from the District Court Department to the

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Chief Justice for Administration and Management Robert A. Mulligan, third from right, meets with the Justices of the Supreme Judicial Court. From left are Justices Francis X. Spina, John M. Greaney, Martha B. Sosman, Chief Justice Margaret H. Marshall, and Justices Judith A. Cowin, Roderick L. Ireland, and Robert J. Cordy.

Chief Justice Mulligan States Goals for Improving Efficiency of Trial Court Management

Honorable Robert A. Mulligan, citing the Report of the Visiting Committee on Management in the Courts as a "clear call to action," on October 1 began work as Chief Justice for Administration and Management by promising to implement an administrative structure that can best utilize the reservoir of talent already present within the court system.

"The Visiting Committee found that court problems today are not due to a lack of dedicated, talented employees," he said during a reception at the Supreme Judicial Court marking the start of his five-year term. "Rather, the Committee found that dedicated court employees are constrained from delivering the highest quality of service by an inefficient management structure. My main goal is to serve

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After observing a session of the Governor's Council chaired by Lieutenant Governor Kerry Healey, the Tomsk delegation posed with Councillors at the State House, above, followed by a meeting with the Governor's Chief Legal Counsel, Daniel B. Winslow.

Delegation from Tomsk, Russia, Pays Annual Visit

Eight judges, prosecutors, and defense attorneys from the region of Tomsk, Russia, spent a week in September observing the legal system at work in Massachusetts, as part of an ongoing exchange that began in 2001.

The Massachusetts/Tomsk partnership is part of the Russian American Rule

of Law Consortium, which is sponsored by the Open World Program of the Library of Congress and USAID.

During their busy week, the visitors met with Supreme Judicial Court Justice Robert J. Cordy and Appeals Court Administrative Assistant Alexander M. McNeil. They attended a class at Boston College Law School taught by Superior Court Judge Paul A. Chernoff; toured the Boston Police Department, the Middlesex Sheriff's Department, and the State House; met with Superior Court Chief Justice Suzanne V. DelVecchio; visited a domestic violence shelter in Newton: and met with judges, prosecutors, and law clerks at the John J. Moakley Federal Courthouse in Boston.

As the Russians were particularly interested in learning about jury trials,



Superior Court Judge Paul A. Chernoff, right, shown with Tomsk Judge Sergey Schmalenyuk, has played a leadership role in planning itineraries and hosting Tomsk delegations since the first group visited in 2001. Visits also are coordinated by Supreme Judicial Court Public Information Officer Joan Kenney.

they observed jury trial sessions at Suffolk Superior Court and were paired with judges, prosecutors, and defense attorneys in Middlesex Superior Court. They also participated in a mock jury trial session at Lowell Superior Court, and met with the Lowell mayor and city officials.

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my fellow court employees by improving administrative structures and processes so that they are able to deliver the same high quality justice more efficiently."

He said he would institute three areas of change to improve the efficiency and accountability of the administration of justice, including a staffing model for equitably allocating human resources throughout the Trial Court, a system of time standards for expediting the timely resolution of cases within all seven Trial Court departments, and a mechanism to evaluate all units of the Trial Court to measure and improve the delivery of services.

On behalf of the Justices of the Supreme Judicial Court, Chief Justice Margaret H. Marshall said, "Chief Justice Mulligan is a strong leader of great abilities who can lead the Trial Court through this time of opportunity and change. This is a defining moment in the history of the court system with great challenges and great opportunities, and we are confident that Chief Justice Mulligan's abilities will match our high expectations."

She added that the timely delivery of justice to all the citizens of Massachusetts required the close cooperation of all three branches of government, noting that since June, when he was first selected to become the next Chief Justice for Administration and Management, Chief Justice Mulligan had reached out to people throughout the Judicial Branch and across the Commonwealth.

"He has sat with judges in all the Trial Court departments to observe cases and learn what the judges and staff in each do every day; he has met with representatives of the Legislature, Executive Branch, bar associations, and others who have a real interest in the courts; and he has signaled an openness to work with everyone to improve the delivery of justice," she said.

Chief Justice Johnson

Boston Municipal Court Department, bringing all of the community courts in Boston under one umbrella.

To discuss these changes and the future of the Boston Municipal Court Department, Chief Justice Johnson spoke with The Court Compass in September.

Court Compass: How has reorganization enhanced the operation of the Boston Municipal Court?

Chief Justice Johnson: I believe it was the legislative will to reorganize the Boston Municipal Court Department and the District Court Department to better serve the general public. The impact has been only positive. There is a closer relationship now between the various courts in Suffolk County. There is a great deal of collaboration in sharing personnel and resources, and determining how we can help each other in the disposition of our caseloads. We are looking for the Central Division of the Department, which is the Division where I preside, to serve as the supporting division for the other divisions.

We're now in the process of redistributing some of the resources of the Central Division to the other divisions. We've begun by sending assistant clerk-magistrates to assist the other divisions. In conjunction with the Office of the Commissioner of Probation, we also hope to better coordinate probation services, and share some clerical personnel services.

The Central Division also will be receiving criminal cases from other divisions for trial.

So there has been considerable progress already in unifying the courts toward the common objective of better serving the people of Suffolk County. I am regularly meeting with the first justices of the other divisions to identify issues that we can collectively resolve, and I've gotten a very positive response from all of them. Like everyone else, they

are hoping that this reorganization will have a meaningful impact on how their courts serve the public. We are committed to fulfilling the Legislature's desire to better organize the courts for enhanced management and greater efficiency.

'There is such programmatic diversity within Suffolk County. All the divisions sharing their expertise will result in greater service to the public.'

-Boston Municipal Court Chief Justice Charles R. Johnson

CC: Will the Central Division be hearing criminal cases from other divisions?

Chief Justice Johnson: Yes. Several divisions of the Department -South Boston, Brighton, Charlestown - do not currently conduct criminal jury trials. Those cases used to be heard in other divisions of the District Court. but will now be heard in the Central Division of the Boston Municipal Court Department. We see this as a temporary measure, as ultimately we hope that these cases will be tried in the courts of origin. One of the things I hope to achieve during my administration is the upgrade of some of the facilities of our smaller courts. I hope to be a voice for them so that they can get the resources they need to deliver the level of service of our larger divisions.

CC: What challenges do you see in the expansion and reorganization of the Boston Municipal Court?

Chief Justice Johnson: Given the level of support and cooperation that we have received from the District Court Department through Chief Justice Samuel E. Zoll, I have not identified any significant challenges in this process. I met with Chief Justice Zoll, and we

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worked together on the transfer of records and documentation for judges and personnel coming to the Municipal Court Department. I'm very pleased with the response we've gotten from Chief Justice Zoll and other personnel in the District Court Department. Chief Justice Zoll has been nothing short of professional about facilitating the reorganization. The transition would not have been as smooth and uneventful as it has been were it not for his support and his professionalism.

CC: Will you be expanding any programs from the Central Division into the new divisions?

Yes, but I Chief Justice Johnson: want to be clear that the other divisions also have programs that have not traditionally been a part of the Central Division. This is truly a two-way exchange. We hope to expand the Central Division's civil dispute resolution to the other divisions. But the other divisions also have domestic violence programs that we traditionally have not had here in the Central Division. They also have expertise in operating drug court sessions that we have not had. There is such programmatic diversity within Suffolk County. All the divisions sharing their expertise will result in greater service to the public.

CC: How will reorganization enhance the efficiency of the Boston Municipal Court Department?

Chief Justice Johnson: The Boston Municipal Court Department has been criticized, and I think at times unfairly, for having greater resources than some other courts in the Commonwealth. This reorganization will help to eliminate the criticism. Though our responsibility has been increased, our budget has been systematically reduced. We hope to achieve greater efficiency through the redistribution of caseloads and the material sharing of resources. If one division needs assistance, we are

Chief Justice Johnson

small enough to act quickly to provide that assistance. When all divisions are adequately staffed, that will translate into a more expeditious disposition of cases. Each division will help the others, and no one division will be more important than the other.

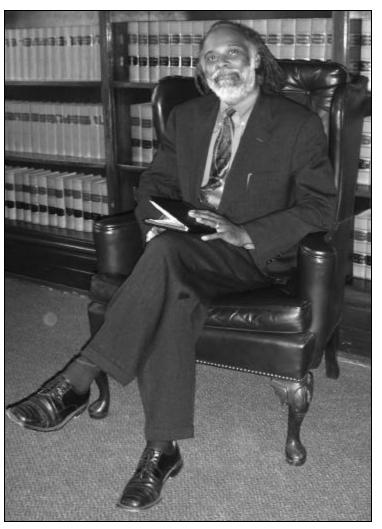
Most important, we will be acting as a department. For too long each division has been focused solely on its own unique problems but not those of the other divisions. We're going to eliminate that and take a more collective, collaborative approach. If we can bring our collective creativity to bear on whatever problem exists, we will be able to solve it more quickly.

CC: The Central Division of the Boston Municipal Court has been selected as the first division to receive the new Mass-Courts automated case management system. With Mass-Courts, what will you

be able to do that you cannot do now?

Chief Justice Johnson: Our case management system will be more robust, more users within this Division will have access to the system, and we will have greater functionality in each courtroom. We are hoping that a judge on the bench will be able to access any case at any time from the bench. We will be able to see what the caseload is on any given day, to decide what additional cases should be placed on the calendar.

We hope that eventually lawyers will be able to electronically file their cases without the necessity of coming to the counter. We hope to have reports that we can't currently generate in terms of what each judge is doing, what each division is doing. That will help us allo-



Boston Municipal Court Chief Justice Charles R. Johnson

cate personnel and resources to where they are most needed. I really don't think you can operate a court department these days without a quality automated case management system.

CC: One of the major components of introducing *MassCourts* will be the training of personnel. Is your staff looking forward to that?

Chief Justice Johnson: Yes. Actually we've already begun. The Information Technology Project is using the "train-the-trainer" approach, in which IT Project staff are training a certain number of staff members, who will then train the rest of our personnel. We've had several meetings with the IT Project and we have expressed our excitement and anx-

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iousness about implementing the system as quickly as possible. We know that we have to crawl before we can walk, but we want to get underway as quickly as we can.

CC: You became a Judge of the Boston Municipal Court in 1984, Acting Chief Justice in October 2002, and Chief Justice in April. What are the differences in a day of the life of a Judge versus that of a Chief Justice?

Chief Justice Johnson:

As a sitting judge, your primary responsibility is the courtroom. As long as you perform your duties there, everything is fine and you are recognized as being a wonderful, good person. I still sit regularly. I sit not only in the Central Division, but it is my intent to sit in the other divisions as well.

The added administrative responsibility of being Chief Justice, however, is nothing short of over-

whelming, particularly now that we've been reorganized. These are very lean fiscal times, and everyone is anxious about that. The budgets of the Boston Municipal Court Department were cut considerably even as we were reorganized to assume greater responsibility. The Central Division suffered the greatest cut, of more than \$2,000,000, but the budgets of the other seven divisions also were cut, ranging from \$300,000 to \$700,000. We also went from eleven to thirty judges, so you have to worry about judicial assignments and whether you have appropriate coverage in every court each day. There's always a new development each morning that you have to address.

Supreme Judicial Court Appoints Pamela Wood As New Jury Commissioner

The Justices of the Supreme Judicial Court have appointed Attorney Pamela Wood as the new Jury Commissioner for the Commonwealth of Massachusetts. Commissioner Wood's five-year term begins on November 3, 2003.

As the chief executive of the Office of Jury Commissioner, Ms. Wood will oversee the summonsing of approximately 1.2 million citizens each year to serve as prospective jurors in courts throughout the Commonwealth. Under the supervision and guidance of the Jury Management Advisory Committee, a standing committee of six judges appointed by the Chief Justice of the Supreme Judicial Court, the Jury Commissioner establishes and implements policies and procedures for the



Jury Commissioner Pamela Wood

selection and management of jurors at fifty-eight Trial Court jury pools and fourteen grand jury sites in Massachusetts.

"Jury service, one of our society's most important civic responsibilities, gives the public the greatest opportunity to participate in our justice system," Supreme Judicial

Court Chief Justice Margaret H. Marshall said. "I am confident that under the strong leadership of our new Jury Commissioner, Pamela Wood, the excellent work of the Office of Jury Commissioner in administering the jury system and educating the public will continue to safeguard our constitutional right to trial by jury."

Ms. Wood's extensive management and legal experience includes her work since 1999 as General Counsel and Deputy Director of the Board of Registration in Medicine. She was previously a Senior Attorney at the Federal Trade Commission for eleven years, a litigation associate at the Boston law firm of Choate, Hall & Stewart for three years, and an associate at the firm of Bingham, Dana & Gould (now Bingham McCutchen), where she began her legal career. She received a J.D. from the University of Pennsylvania Law School and a B.A. from Wellesley College.

Chief Justice Johnson

It's a major undertaking, but I'm enthusiastic about it, I'm energetic about it, and I'm putting in more hours than I've ever put in before. The reward will come when we can demonstrate that we've made the system better. I'm convinced that with the help of the other judges and personnel of the department that we can make it better. The source of my energy now is my sincere belief that we can improve the delivery of legal services in Suffolk County and enhance the quality of justice by working collaboratively and devising a programmatic agenda that will better serve the citizens of the county. It's difficult, but the rewards, I think, ultimately will be greater.

CC: What are your long-term goals for the Boston Municipal Court?

Chief Justice Johnson: I hope to have greater judicial stability. I think judges have moved around a little too much. I would like to keep a core group of judges in every division for a longer period of time. I would like to offer assistance to judges in terms of law clerks and legal research. Most of the judges now operate without any law clerk assistance.

I want all the divisions to operate more efficiently and in a more equitable way. If I've learned anything over the course of my nearly twenty years on the bench, it is that caseloads fluctuate in each division. One year one division may be terribly overworked, and the next year it's some other division. So each division must be willing to help the other and share resources.

That's a matter of changing the culture so that people think departmentally. I've already said this, but it is one of my key long-term goals: I want Roxbury to stop thinking solely about Roxbury. I want Charlestown to stop

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thinking solely about Charlestown. And I want the Central Division to stop thinking solely about the Central Division. I want us all to start thinking about the department and how the department can better serve the people of Suffolk County. If that means transferring people from Roxbury to Dorchester, let's do that. And let's not be forced to do it, let's recommend it. Let's say "this is what should happen," and let's do it together.

CC: Anything else you'd like to add?

Chief Justice Johnson: Give us time. Give us time to demonstrate that the Legislature made a good decision. We think that if given a reasonable amount of time, and if we are assessed fairly, we will be able to demonstrate that the reorganization of the Boston Municipal Court Department is in the best interests of the people of Suffolk County.

COMPASS POINTS



Judge Isaac Borenstein Presented National Award for Work with Interpreters

The National Center for State Courts honored Superior Court Judge Isaac Borenstein for his extraordinary efforts to help ensure access to the courts for non-English speaking litigants.

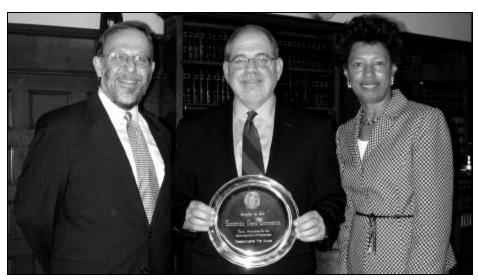
NCSC Principal Court Management Consultant David Steelman presented the Center's Award for Leadership to Judge Borenstein at Norfolk Superior Court on September 29. During the awards ceremony, emceed by then Chief Justice for Administration and Management Barbara A. Dortch-Okara, speakers noted Judge Borenstein's exemplary work as Chair of the Committee on the Administration of Interpreters since 1999.

"Judge Borenstein has provided leadership of such excellence that the Massachusetts courts can provide access to justice for non-English speakers at a level that makes Massachusetts one of the national leaders in the provision of court interpreter services," Mr. Steelman said.

Other speakers at the ceremony included District Court Regional Coordinator Darryl G. Smith, a member of the Committee for the Administration of Interpreters; Dr. Michael O'Laughlin, Representative of the Interpreters Guild; and Gaye Gentes, Manager of the Administrative Office of the Trial Court's Office of Court Interpreter Services.

Media Members Invited to "Law School for Journalists" On October 16 and 27

The Supreme Judicial Court Judiciary/Media Committee and the Flaschner Judicial Institute are hosting a round of their highly successful "Law School for Journalists" program on October 16 and October 27.



Superior Court Judge Isaac Borenstein, center, was presented the Award for Leadership by National Center for State Courts Principal Court Management Consultant David Steelman, left. The award ceremony, held at Norfolk Superior Court in September, was emceed by then Chief Justice for Administration and Management Barbara A. Dortch-Okara.

The sessions will be conducted in an "Open Mike" format moderated by retired Appeals Court Justice Rudolph Kass, allowing journalists to question a panel of experts about the courts and the law. Panelists will include Superior Court Associate Justice Raymond J. Brassard; Leominster District Court First Justice John J. Curran, Jr.: Appeals Court Associate Justice Gordon L. Doerfer; Norfolk Probate and Family Court Associate Justice Christina L. Harms; Superior Court Associate Justice Charles J. Hely; Boston Municipal Court Clerk-Magistrate Daniel J. Hogan; Newton District Court First Justice Dyanne J. Klein: Suffolk Juvenile Associate Justice Stephen M. Limon; Appeals Court Associate Justice James F. McHugh; and Franklin/ Hampshire Juvenile Court Clerk-Magistrate Christopher D. Reavey.

The session on October 16 will be from 9:30 a.m. to 11 a.m. at The Boston Globe, and the October 27 session will be held from 6:30 p.m. to 8:00 p.m. at Boston College Law School.

The Flaschner Judicial Institute and the Supreme Judicial Court Judiciary/Media Committee, which is co-chaired by Supreme Judicial Court Justice John M. Greaney and Springfield Republican Publisher Larry McDermott, sponsored previous seminars for journalists in 2000 and 2001.

Judicial Institute Produces Handbook of Legal Terms

Anyone needing a concise definition of legal terms ranging from "ab initio" to "youthful offender" now may turn to a reference work produced by the Judicial Institute.

The 142-page handbook has already proved popular enough to require a second printing.

"We've gotten extremely positive feedback," said Judicial Institute Program Manager Victoria Lewis, who oversaw the project along with Director of Judicial Education Ellen M. O'Connor. Dorchester District Court Assistant Clerk-Magistrate William G. Farrell and Plymouth Juvenile Court Assistant Clerk-Magistrate Paul A. Flanagan did much of the writing, with the editing help of more than a dozen chief justices, judges, clerks, and administrators in courts throughout the Commonwealth.

New IT Director Puts Customer Service First

John M. Beaton, who became the Administrative Office of the Trial Court's Director of Information Technology in July, wants prompt customer service to remain a priority as the Trial Court's information technology system continues to grow and change.

"What is most important is thinking about customer service," he said. "How can we continue to provide the current level of service and strive to improve service while staffing levels and budgets get smaller? This is the challenge we're facing."

In August, Mr. Beaton formally introduced himself to the court community in the first edition of "IT Corner," a column he will periodically post on the court system Intranet web site (http://trialcourtweb.jud.state.ma.us). In it, he noted that the IT Department was developing a customer service survey to help determine how well the Department was serving the judges and staff of the Trial Court.

Once the survey forms are posted on the Intranet site, anyone who has received help from an IT Department staff member will be able to answer an on-line questionnaire about the promptness and effectiveness of the assistance. Up to six people staff the IT Help Desk daily from 8 a.m. to 5 p.m., while four or five technicians work on computers in courthouses throughout the state.

Survey responses can be mailed or faxed to the IT Department staff. When respondents evaluate the assistance they receive, a percentage of those will be followed up on. "We will contact the user of the computer to find out how we could have provided better service," Mr. Beaton said. The surveys also will help the IT Department identify common problems experienced by computer users to design training programs for both users and IT technicians.



John M. Beaton became Director of the Administrative Office of the Trial Court's Information Technology Department in July, following more than twelve years of information technology experience with the United States Air Force and private companies.

'The challenge is to find ways to facilitate your operations in ways that are less costly and more efficient.'

John M. Beaton,
 Director of the Trial Court
 Information Technology Department

Role in MassCourts

In addition to focusing on customer service, the IT Department is assisting the Information Technology Project office in the installation of the Mass Courts comprehensive case management system. Mass Courts, which will eventually unify all Trial Court case information into a centralized database accessible from all state courts in the Commonwealth, is currently being introduced in the Central Division of the Boston Municipal Court.

"Essentially, anything having to do with *MassCourts* is under the auspices of the IT Project," Mr. Beaton said. "However, the IT Department provides resources and expertise. For example, a number of the personal computers in the Boston Municipal Court were outdated and didn't meet the minimum standard required of the Mass Courts application." Thus, using funds appropriated in the 1995 bond bill set aside for Mass Courts, the IT Department purchased the necessary new computers and installed them in the Boston Municipal Court. The IT Department also is building up the servers at the data center in Cambridge to enable them to handle the MassCourts application.

Mr. Beaton devotes about 30 percent of his time on issues related to Mass Courts, while the IT Department as a whole spends from 5 percent to 10 percent of its time on the project. Once Mass Courts becomes fully operational throughout the Commonwealth, the IT Project will have concluded its mission and the IT

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Department will take over the operation and maintenance of the system.

Updating Systems

Other projects that the IT Department works on include transferring personal computers and their networks whenever a court moves to a new location, setting up new equipment, and identifying areas of the technology system that need updated equipment, software, or infrastructure.

Given the steady changes in improvements to computer software and equipment, the task of continuously modernizing a system that is spread out over the entire state and comprises approximately 6,000 desktop computers is never-ending.

"One of our goals is to determine

the best way to further standardize the Courts' IT environment," Mr. Beaton said. "Currently most Trial Court personal computers are using operating systems that are more than two generations older than Microsoft's most recent operating systems. We need to get to a more current IT state in both application software and hardware systems, including upgrades in infrastructure and support systems." However, he added, "these things don't happen overnight."

Mr. Beaton has experience in both the public and private sectors, having managed information technology systems for the Air Force and corporations, and he observed that funding for technology is usually more readily available in private business. "Appropriately, there also are

more levels of oversight in the public sector," he said. "But none of this is a surprise. In both the private and public sectors, the challenge is to find ways to facilitate your operations in ways that are less costly and more efficient."

Moreover, the public and private sectors are similar in that managers of both must listen to their customers to provide the highest level of service. For the IT Department, that means gaining as much input as possible from the judges and staff of the Trial Court.

"If anyone has any suggestions on how the Trial Court IT Department can provide better service," Mr. Beaton said, "I'm more than open to receiving emails and telephone calls."

CALENDAR



OCTOBER

- Law School for Journalists, cosponsored by the SJCJudiciary/Media Committee and Flaschner Judicial Institute, at The Boston Globe from 9:30 a.m. to 11:00 a.m. (Also on October 27 from 6:30 p.m. to 8:00 p.m. at Boston College
- Judicial Institute: "Informational Session for Liaisons for Court Interpreter Services," in Salem. (Also in Boston on November 4 and December 2 and in Bridgewater on November 18.)

NOVEMBER

- Judicial Institute: "Wednesday Morning Program Series: Handling Felonies Since the West Roxbury Case," for Clerk-Magistrates and Assistant Clerk-Magistrates, from 9:00 a.m. to 1:00 p.m. in Brockton. (Topics in the series will be presented in Waltham on November 19, and in Worcester on December 3 and 17.)
- 20 "Judicial Conduct & Protocol," cosponsored by the SJCCommittee on Judicial Ethics, the Commission on Judicial Conduct, and the Flaschner Judicial Institute, from 5:00 p.m. to 7:00 p.m. at Boston College Law School.

DECEMBER

Flaschner Judicial Institute: "Hon. Herbert P. Wilkins Appellate Year in Review," from 5:00 p.m. to 7:00 p.m. in Northampton. (Also on December 10 from 5:00 p.m. to 7:00 p.m. at Boston College Law School.)

For more information on Judicial Institute programs, call (617) 788-6775. For more information on Flaschner Judicial Institute programs, call (617) 226-1565.

The Court Compass

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